

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

TODD A. JONES,

Plaintiff,

vs.

Civil Action 2:05-CV-137
Judge Graham
Magistrate Judge King

OHIO STATE UNIVERSITY,
et al.,

Defendants.

ORDER

This action was instituted upon the grant of plaintiff's application for leave to proceed *in forma pauperis*. Doc. No. 3. On May 9, 2005, this Court directed the United States Marshal Service to effect process on each defendant and expressly granted each defendant forty-five (45) days after such service to respond to the complaint. Doc. No. 5. The record reflects that the service of process was effected on the defendants on June 2 and 3, 2005. Doc. Nos. 8,9. Defendants filed a motion for more definite statement on July 18, 2005, Doc. No. 11. This matter is now before the Court on plaintiff's motion for default judgment, Doc. No. 12.

The defendants' motion for more definite statement was timely filed¹ and is a sufficient response to the complaint. See F.R. Civ. P. 12(b).

¹For those defendants served on June 2, 2005, the 45-day time period for responding to the complaint fell on Sunday July 17, 2005. The date their response to the amended complaint was therefore due July 18, 2005, the date that their response was actually filed. See F.R. Civ. P. 6(a).

Because defendants are not in default, plaintiffs' motion for default judgment, Doc. No. 12, is **DENIED**.

It is so ORDERED.

s/James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: October 3, 2005